

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 343.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution, H. Res. 343.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 32 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 32 minutes p.m.

**REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005, H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005, H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005, AND H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005**

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-163) on the resolution (H. Res. 351) providing for consideration of the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a cita-

tion or proposed assessment of a penalty by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; and for consideration of the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration, which was referred to the House Calendar and ordered to be printed.

#### AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, JULY 19, 2005, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY MANMOHAN SINGH, PRIME MINISTER OF THE REPUBLIC OF INDIA

Mr. BISHOP of Utah. Madam Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, July 19, 2005, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Manmohan Singh, Prime Minister of the Republic of India.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on two of the motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 168, by the yeas and nays; and

H. Res. 333, by the yeas and nays.

Proceedings on H. Res. 343 will resume tomorrow. This series will comprise two 15-minute votes.

#### CONDEMNING DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR ABDUCTION AND CONTINUED CAPTIVITY OF CITIZENS OF THE REPUBLIC OF KOREA AND JAPAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 168, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 168, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 1, answered "present" 1, not voting 69, as follows:

[Roll No. 363]

#### YEAS—362

Abercrombie	Davis (CA)	Hyde
Ackerman	Davis (FL)	Inglis (SC)
Aderholt	Davis (IL)	Inslee
Akin	Davis (KY)	Israel
Alexander	Davis (TN)	Issa
Allen	Davis, Jo Ann	Istook
Andrews	Davis, Tom	Jackson (IL)
Baca	Deal (GA)	Jefferson
Bachus	DeGette	Jindal
Baird	Delahunt	Johnson (CT)
Baldwin	DeLauro	Johnson, E. B.
Barrett (SC)	DeLay	Johnson, Sam
Barrow	Dent	Jones (NC)
Barton (TX)	Diaz-Balart, L.	Kanjorski
Bass	Diaz-Balart, M.	Kaptur
Bean	Dicks	Keller
Beauprez	Dingell	Kelly
Berkley	Doggett	Kennedy (MN)
Berman	Doolittle	Kennedy (RI)
Berry	Doyle	Kildee
Biggert	Drake	Kind
Bilirakis	Dreier	King (IA)
Bishop (GA)	Duncan	King (NY)
Bishop (NY)	Ehlers	Kirk
Bishop (UT)	Emanuel	Kline
Blackburn	Emerson	Knollenberg
Blumenauer	Engel	Kolbe
Blunt	Etheridge	Kucinich
Boehlert	Evans	Kuhl (NY)
Boehner	Feeney	Langevin
Bonilla	Ferguson	Lantos
Bono	Fitzpatrick (PA)	Larsen (WA)
Boren	Flake	Larson (CT)
Boswell	Foley	Latham
Boucher	Forbes	LaTourette
Boustany	Ford	Leach
Boyd	Fortenberry	Levin
Bradley (NH)	Fossella	Lewis (CA)
Brown (OH)	Fox	Lewis (GA)
Brown (SC)	Frank (MA)	Lewis (KY)
Brown-Waite,	Franks (AZ)	Linder
Ginny	Frelinghuysen	Lipinski
Burgess	Garrett (NJ)	LoBiondo
Burton (IN)	Gerlach	Lofgren, Zoe
Butterfield	Gibbons	Lowe
Buyer	Gilchrest	Lucas
Calvert	Gillmor	Lungren, Daniel
Cannon	Gingrey	E.
Cantor	Gohmert	Lynch
Capito	Goode	Mack
Capps	Goodlatte	Maloney
Capuano	Gordon	Manzullo
Cardin	Granger	Markey
Cardoza	Graves	Marshall
Carnahan	Green (WI)	Matheson
Carson	Green, Al	Matsui
Carter	Green, Gene	McCarthy
Case	Grijalva	McCaul (TX)
Castle	Gutknecht	McCollum (MN)
Chabot	Hall	McCotter
Chandler	Harman	McCrery
Chocoma	Harris	McDermott
Cleaver	Hart	McGovern
Clyburn	Hastings (FL)	McHenry
Coble	Hastings (WA)	McHugh
Cole (OK)	Hayes	McIntyre
Conaway	Hayworth	McKeon
Cooper	Hefley	McMorris
Costa	Hensarling	McNulty
Cox	Hergert	Meehan
Cramer	Herseth	Meek (FL)
Crenshaw	Higgins	Meeks (NY)
Crowley	Hobson	Melancon
Cubin	Hoekstra	Menendez
Cuellar	Holden	Mica
Culberson	Honda	Michaud
Cummings	Hoolley	Millender-
Cunningham	Hostettler	McDonald
Davis (AL)	Hoyer	Miller (MI)

Miller (NC)	Rehberg	Sodrel
Miller, Gary	Reichert	Solis
Mollohan	Renzi	Souder
Moore (KS)	Reynolds	Stark
Moran (KS)	Rogers (AL)	Stearns
Moran (VA)	Rogers (KY)	Sullivan
Murphy	Rogers (MI)	Tancredo
Musgrave	Rohrabacher	Tanner
Nadler	Ros-Lehtinen	Tauscher
Napolitano	Ross	Taylor (MS)
Ney	Rothman	Terry
Northup	Roybal-Allard	Thomas
Norwood	Royce	Thompson (CA)
Nunes	Ruppersberger	Thompson (MS)
Nussle	Ryan (OH)	Tiahrt
Oberstar	Ryan (WI)	Tiberi
Olver	Ryun (KS)	Turner
Osborne	Sabo	Udall (CO)
Otter	Salazar	Udall (NM)
Owens	Sanchez, Loretta	Upton
Oxley	Sanders	Van Hollen
Pallone	Saxton	Velázquez
Pascarell	Schakowsky	Visclosky
Pastor	Schiff	Walden (OR)
Payne	Schwartz (PA)	Walsh
Pearce	Schwarz (MI)	Wamp
Pelosi	Scott (GA)	Watson
Pence	Sensenbrenner	Waxman
Peterson (MN)	Serrano	Weldon (FL)
Peterson (PA)	Sessions	Weller
Petri	Shaw	Westmoreland
Pitts	Shays	Wexler
Platts	Sherman	Whitfield
Poe	Sherwood	Wicker
Pomeroy	Shuster	Wilson (NM)
Porter	Simmons	Wilson (SC)
Price (GA)	Simpson	Wolf
Putnam	Skelton	Woolsey
Radanovich	Slaughter	Wu
Rahall	Smith (NJ)	Wynn
Ramstad	Smith (TX)	Young (AK)
Rangel	Smith (WA)	Young (FL)
Regula	Snyder	

## NAYS—1

Paul

## ANSWERED “PRESENT”—1

Bartlett (MD)

## NOT VOTING—69

Baker	Holt	Pombo
Becerra	Hulshof	Price (NC)
Bonner	Hunter	Pryce (OH)
Boozman	Jackson-Lee	Reyes
Brady (PA)	(TX)	Rush
Brady (TX)	Jenkins	Sánchez, Linda
Brown, Corrine	Johnson (IL)	T.
Camp	Jones (OH)	Scott (VA)
Clay	Kilpatrick (MI)	Shadegg
Conyers	Kingston	Shimkus
Costello	LaHood	Spratt
DeFazio	Lee	Strickland
Edwards	Marchant	Stupak
English (PA)	McKinney	Sweeney
Eshoo	Miller (FL)	Taylor (NC)
Everett	Miller, George	Thornberry
Farr	Moore (WI)	Tierney
Fattah	Murtha	Towns
Filner	Myrick	Wasserman
Gallegly	Neal (MA)	Schultz
Gonzalez	Neugebauer	Waters
Gutierrez	Obey	Watt
Hinche	Ortiz	Weiner
Hinojosa	Pickering	Weldon (PA)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1853

Mr. KENNEDY of Rhode Island changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 363, on H. Con. Res. 168, I was in my Congressional District on official business. Had I been present, I would have voted “yea.”

### SUPPORTING THE GOALS AND IDEALS OF A NATIONAL WEEK-END OF PRAYER AND REFLECTION FOR DARFUR, SUDAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 333.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 333, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 364, nays 2, not voting 67, as follows:

[Roll No. 364]

## YEAS—364

Abercrombie	Chocola	Gillmor
Aderholt	Cleaver	Gingrey
Akin	Clyburn	Gohmert
Alexander	Coble	Goode
Allen	Cole (OK)	Goodlatte
Andrews	Conaway	Gordon
Baca	Cooper	Granger
Bachus	Costa	Graves
Baird	Cox	Green (WI)
Baldwin	Cramer	Green, Al
Barrett (SC)	Crenshaw	Green, Gene
Barrow	Crowley	Grijalva
Bartlett (MD)	Cubin	Gutknecht
Barton (TX)	Cuellar	Hall
Bass	Culberson	Harman
Bean	Cummings	Harris
Beauprez	Cunningham	Hart
Berkley	Davis (AL)	Hastings (FL)
Berman	Davis (CA)	Hastings (WA)
Berry	Davis (FL)	Hayes
Biggert	Davis (IL)	Hayworth
Bilirakis	Davis (KY)	Hefley
Bishop (GA)	Davis (TN)	Hensarling
Bishop (NY)	Davis, Jo Ann	Herger
Bishop (UT)	Davis, Tom	Hersteth
Blackburn	Deal (GA)	Higgins
Blumenauer	DeGette	Hobson
Blunt	Delahunt	Hoekstra
Boehlert	DeLauro	Holden
Boehner	DeLay	Honda
Bonilla	Dent	Hooley
Bono	Diaz-Balart, L.	Hostettler
Boren	Diaz-Balart, M.	Hoyer
Boswell	Dingell	Hyde
Boucher	Doggett	Inglis (SC)
Boustany	Doolittle	Inslee
Boyd	Doyle	Israel
Bradley (NH)	Drake	Issa
Brady (TX)	Dreier	Istook
Brown (OH)	Duncan	Jackson (IL)
Brown (SC)	Ehlers	Jefferson
Brown-Waite,	Emanuel	Jindal
Ginny	Emerson	Johnson (CT)
Burgess	Engel	Johnson, E. B.
Burton (IN)	Etheridge	Johnson, Sam
Butterfield	Evans	Jones (NC)
Buyer	Feeney	Kanjorski
Calvert	Ferguson	Kaptur
Cannon	Fitzpatrick (PA)	Keller
Cantor	Flake	Kelly
Capito	Foley	Kennedy (MN)
Capps	Forbes	Kennedy (RI)
Capuano	Ford	Kildee
Cardin	Fortenberry	Kind
Cardoza	Fossella	King (IA)
Carnahan	Frank (MA)	King (NY)
Carson	Franks (AZ)	Kirk
Carter	Frelinghuysen	Kline
Case	Garrett (NJ)	Knollenberg
Castle	Gerlach	Kolbe
Chabot	Gibbons	Kucinich
Chandler	Gilchrest	Kuhl (NY)

Langevin	Ney	Serrano
Lantos	Northup	Sessions
Larsen (WA)	Norwood	Shaw
Larson (CT)	Nunes	Shays
Latham	Nussle	Sherman
LaTourette	Oberstar	Sherwood
Leach	Olver	Shuster
Levin	Osborne	Simmons
Lewis (CA)	Otter	Simpson
Lewis (GA)	Owens	Skelton
Lewis (KY)	Oxley	Slaughter
Linder	Pallone	Smith (NJ)
Lipinski	Pascarell	Smith (TX)
LoBiondo	Pastor	Smith (WA)
Lofgren, Zoe	Payne	Snyder
Lowey	Pearce	Sodrel
Lucas	Pelosi	Solis
Lungren, Daniel	Pence	Souder
E.	Peterson (MN)	Spratt
Lynch	Peterson (PA)	Stark
Mack	Petri	Stearns
Maloney	Pitts	Sullivan
Manzullo	Platts	Tancredo
Markey	Poe	Tanner
Marshall	Pomeroy	Tauscher
Matheson	Porter	Taylor (MS)
Matsui	Price (GA)	Terry
McCarthy	Putnam	Thomas
McCaul (TX)	Radanovich	Thompson (CA)
McCollum (MN)	Rahall	Thompson (MS)
McCotter	Ramstad	Tiahrt
McCrery	Rangel	Tiberi
McDermott	Regula	Turner
McGovern	Rehberg	Udall (CO)
McHenry	Reichert	Udall (NM)
McHugh	Renzi	Upton
McIntyre	Reynolds	Van Hollen
McKeon	Rogers (AL)	Velázquez
McKinney	Rogers (KY)	Visclosky
McMorris	Rogers (MI)	Walden (OR)
McNulty	Rohrabacher	Walsh
Meehan	Ros-Lehtinen	Wamp
Meek (FL)	Ross	Watson
Meeks (NY)	Rothman	Waxman
Melancon	Roybal-Allard	Weldon (FL)
Menendez	Royce	Weldon (PA)
Mica	Ruppersberger	Weller
Michaud	Ryan (OH)	Westmoreland
Millender-	Ryan (WI)	Wexler
McDonald	Ryun (KS)	Whitfield
Miller (MI)	Sabo	Wicker
Miller (NC)	Salazar	Wilson (NM)
Miller, Gary	Sanchez, Loretta	Wilson (SC)
Mollohan	Sanders	Wolf
Moore (KS)	Saxton	Woolsey
Moran (KS)	Schakowsky	Wu
Moran (VA)	Schiff	Wynn
Murphy	Schwartz (PA)	Young (AK)
Musgrave	Schwarz (MI)	Young (FL)
Nadler	Scott (GA)	
Napolitano	Sensenbrenner	

## NAYS—2

Paul

## NOT VOTING—67

Baker	Hinojosa	Pombo
Becerra	Holt	Price (NC)
Bonner	Hulshof	Pryce (OH)
Boozman	Hunter	Reyes
Brady (PA)	Jackson-Lee	Rush
Brown, Corrine	(TX)	Sánchez, Linda
Camp	Jenkins	T.
Clay	Johnson (IL)	Scott (VA)
Conyers	Jones (OH)	Shadegg
Costello	Kilpatrick (MI)	Shimkus
DeFazio	Kingston	Strickland
Dicks	LaHood	Stupak
Edwards	Lee	Sweeney
English (PA)	Marchant	Taylor (NC)
Eshoo	Miller (FL)	Thornberry
Everett	Miller, George	Tierney
Farr	Moore (WI)	Towns
Fattah	Murtha	Wasserman
Filner	Myrick	Schultz
Fox	Neal (MA)	Waters
Gallegly	Neugebauer	Watt
Gonzalez	Obey	Weiner
Gutierrez	Ortiz	
Hinche	Pickering	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.